

ARTICLE ____
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM –
DIRECT APPROPRIATIONS FROM FUND BALANCES**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2013 Community Preservation Fund balances as set forth herein, the amounts listed below for community preservation purposes, with such expenditures to be subject to conditions listed in the Article's Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation;

FY 2013 COMMUNITY PRESERVATION FUND BALANCES	
FY 2013 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2013	\$ 808,604.27
State Community Preservation Trust Fund Receipt, October 2013	\$ 424,035.00
Other FY 2013 Community Preservation Fund Components	
Interest Earned in FY 2013	\$ 24,006.17
Unencumbered FY 2013 Fund Balance	\$ 211,960.44
Recapture of unspent previous years' project appropriations	\$ 159,672.56
Total - FY 2013 Community Preservation Fund Balance	\$1,628,278.53
FY 2013 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$1,538,571.87
Total FY 2013 Open Space Set-Aside Fund Balance	\$1,538,571.87
FY 2013 Historic Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 49,224.00
Total FY 2013 Historic Set-Aside Fund Balance	\$ 49,224.00
APPROPRIATIONS FROM COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 450,000.00
B1. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required make-up for under-spending 10% of revenues in 2007 after recapture	\$ 500.00
B2. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required make-up for under-spending 10% of revenues in 2009 after recapture	\$ 13,689.02

Spending Appropriations	
C. Acton Arboretum – Parking Lot Improvements	\$ 53,000.00
D. Acton Arboretum – Bog Boardwalk Replacement	\$ 30,000.00
E. NARA Security Upgrades and Shade Structures	\$ 15,175.00
F. Goward and Gardner Playgrounds - Basketball Court Renovations	\$ 76,000.00
G. Schools – Nature Play Space Planning Grant	\$ 24,000.00
H1. Acton Woman’s Club – ADA Access Improvements	\$ 86,586.98
I. Community Housing Program Fund*	\$ 175,000.00
J. Regional Housing Services	\$ 42,000.00
K. Acton Housing Authority – Windsor Avenue Doors and Windows	\$ 92,692.00
L. Morrison Farm Improvements	\$ 416,550.00
M. West Acton Baptist Church – Fire Safety Systems	\$ 52,000.00
N. West Acton Baptist Church – Upper Level Pressed Steel Ceiling	\$ 37,000.00
Administrative Appropriation	
O. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 61,631.00
Total Recommended Appropriations from FY 2013 Community Preservation Fund Balance	\$1,625,824.00
SPENDING APPROPRIATION FROM HISTORIC SET-ASIDE FUND BALANCE, WHICH INCLUDES APPROPRIATION ITEMS B1. AND B2. OF THIS ARTICLE	
H2. Acton Woman’s Club – ADA Access Improvements	\$ 63,413.02
Total Recommended Appropriations from the Current Historic Set-Aside Fund	\$ 63,413.02
Resulting Fund Balances	
Resulting FY 2013 Community Preservation Fund Balance	\$ 2,454.53
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration**	\$1,988,571.87
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00

* Provided further pursuant to Town Charter Section 6-5 that the appropriation to the Community Housing Program Fund shall not lapse three years and one month following the effective date of the vote on this article, and that this appropriation and all prior appropriations to the Community Housing Program Fund shall continue to be available for the purpose specified until expended for that purpose or until the CPC recommends and Town Meeting votes to rescind the appropriation of any unspent funds appropriated for this purpose.

** If Town Meeting appropriates funds for the acquisition of open space land on Wright Hill as set forth in either Article or Article the resulting Open Space Set-Aside Fund balance will be reduced accordingly from the amount stated in the table above.

, or take any other action relative thereto;

And, whereas Massachusetts General Laws, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2013 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2013 Community Preservation Fund Revenues;

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts;

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2013 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2013 Community Preservation Fund Revenues for open space (\$123,263.93), not less than 10% of the FY 2013 Community Preservation Fund Revenues for historic preservation (\$123,263.93), and not less than 10% of the FY 2013 Community Preservation Fund Revenues for community housing (\$123,263.93), or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund balance. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (CPA). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the CPA, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create, preserve, rehabilitate and restore land for recreational use; to rehabilitate and restore open space and community housing that were acquired or created with Community Preservation Funds; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the ninth year of appropriations from Acton's Community Preservation Fund.

Local adoption of the CPA established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In September 2013, the Community Preservation Committee published its 2014 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received sixteen applications for funding of proposed projects and programs. One was withdrawn. The Committee reviewed all remaining applications, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's overall recommendation for appropriations, which includes recommended funding from the available Community Preservation Fund balances for thirteen of the proposed projects and programs, statutorily required adjustments, and administrative program support. The recommended funding levels may differ from the amounts requested by the projects' proponents and some of the proposed projects have undergone significant transformations from how they were proposed originally. An additional project, the Wright Hill Open Space land acquisition, is recommended for funding through an appropriation from the CPA Open Space Set-Aside Fund and/or through borrowing as set forth in Article [redacted] or Article [redacted] of this warrant.

All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations leave a remaining Community Preservation Fund balance of \$2,454.53 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The CPA states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also requires that the Community Preservation Committee recommends and that Town Meeting appropriates in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund (\$123,263.93 in FY 2013) for each of the following: open space; historic resources; and community housing. The Committee may also recommend the eminent domain taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (see separate articles in this warrant), and an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses (\$61,631.00 recommended).

A total of \$159,672.56 has been recaptured from unspent prior years' Community Preservation project appropriations and closed to the Community Preservation Fund. The recaptured amounts came from nine projects and programs scattered over six prior year. The recapture of prior year project appropriations can result in spending less than the statutory minimum 10% in any particular fiscal year for historic, open space or community housing projects. This article makes appropriations to the Historic Set-Aside fund to compensate for such shortfalls in two prior years, before in turn appropriating the resulting balance in the Historic Set-Aside Fund to support a recommended historic rehabilitation project.

A. Open Space Set-Aside

The current Open Space Set-Aside Fund balance is \$1,538,571.87. This item adds \$450,000.00. Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from the Open Space Set-Aside Fund for the purpose of acquisition,

creation, and preservation of open space, or its rehabilitation or restoration. In Article [REDACTED] the Community Preservation Committee recommends an appropriation from the Open Space Set-Aside Fund for the acquisition of open space land on Wright Hill.

Recommendations: **Board of Selectmen** **Finance Committee**

B1 and B2. Historic Preservation Set-Aside(s)

The recapture of prior years' unspent CPA funds appropriated in 2007 and 2009 for historic purposes put the Town below the 10% statutory minimum threshold for either spending or setting aside for later spending CPA funds for historic preservation, rehabilitation and restoration purposes in those years. To make up these shortfalls, the Committee recommends a total appropriation of \$14,189.02 to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources. This is added to the existing \$49,224.00 Historic Set-Aside Fund balance. Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from this set-aside fund for the purpose of acquisition, preservation, rehabilitation and restoration of historic resources. With item H2 of this Article, the Community Preservation Committee recommends spending of the Historic Set-Aside Fund balance on a recommended historic rehabilitation project.

Recommendations: **Board of Selectmen** **Finance Committee**

C. Acton Arboretum – Parking Lot Improvements

The existing parking lot at the Acton Arboretum is surfaced with compact, gravel and is often muddy and rutted. The parking lot is frequently full with overflow cars having to parallel park on the edges, making navigating in and out of the lot difficult. Only one paved handicapped accessible parking spot is available at the site. The Acton Arboretum is the only conservation land in Acton that currently has handicapped-accessible trails. Existing conditions at this parking lot limits use of the Arboretum for the general public. The recommended \$53,000.00 will fund an enlarged, improved paved parking lot for the Acton Arboretum.

Recommendations: **Board of Selectmen** **Finance Committee**

D. Acton Arboretum – Bog Boardwalk Replacement^[k1]

The existing 214 foot long wooden boardwalk through the Acton Arboretum Bog was originally built in 1989. After several years of constant repairs due to rot and heavy foot traffic, the existing structure can no longer safely sustain current use demands. The recommended \$30,000.00 will help fund the construction of a new boardwalk and a paved 'universal access' sidewalk ramp from Minot Ave. The total cost of the project is \$63,000. Pledged and anticipated additional contributions to this effort include a \$30,000 match from a private donor, \$3,000 in donated funds from the Friends of the Acton Arboretum and help from the Natural Resources, Highway and Engineering Departments. The boardwalk plans include raising the platform 18" above the plant life for reduced ecological impact and the new fiberglass decking is designed to

allow more light to flora and fauna beneath. The new boardwalk is expected to require little maintenance over a projected 30 year lifespan.

Recommendations: **Board of Selectmen** **Finance Committee**

E. NARA Security Upgrades and Shade Structures

The recommended \$15,175.00 appropriation for the NARA improvements includes two additional shade structures and bathhouse security upgrades.

Shade in the playground has been frequently requested and lack of shade in general is the number one complaint at NARA. The two proposed shade structures; one for the NARA Beach and one for the children's playground, will improve conditions in the hot summer months.

One year ago, the bathhouse office was broken into and a safe was stolen. This incident and subsequent attempted break-ins highlight the need for better security measures. The proposed security upgrades will include new mechanical locks and electronic lock systems.

Recommendations: **Board of Selectmen** **Finance Committee**

F. Goward and Gardner Playgrounds - Basketball Court Renovations

The basketball courts at the Goward and Gardner Playgrounds require updating. Due to aging, the surfaces have cracks and are uneven. The recommended \$76,000.00 will fund the removal of the old equipment and existing asphalt, and pay for the installation of post-tensioned concrete slabs, permanent line markings and junior size up-adjustable hoops. The proposed court surfaces will last longer than traditional asphalt and come with a 20 year guarantee.

The Gardner court would remain a 50'x30' junior court while Goward court would be modified from a 40'x40' half court to a 50'x30' junior court. This rehabilitation project addresses safety concerns and updates that are overdue. Gardner and Goward Playgrounds are both geared toward young children. The creation of equipment targeted to this age group will create new recreation programming opportunities for youth basketball players.

Recommendations: **Board of Selectmen** **Finance Committee**

G. Schools – Nature Play Space Planning Grant

Play areas and structures at the Acton Public School are situated in the outdoors, but do not invite children to interact with nature in independent ways. The recommended \$24,000.00 will help fund the preliminary design and final schematic plan for the creation of handicapped accessible, simply constructed nature place spaces for each of Acton's pre-K through grade 6 schools. The total cost for this project is \$40,500. The difference is expected to be made up from various community partners.

Recommendations: **Board of Selectmen** **Finance Committee**

H1 and H2. Acton Woman's Club – ADA Access Improvements

The Acton Woman's Club is located in Acton Center Historic District. The Women's Club received Community Preservation Act funding in 2011 for the installation of an accessible sloped walkway at the right-side building entrance to provide handicap accessibility to the first floor. Subsequently, the improvements triggered the requirement of full building accessibility by the Massachusetts' Architectural Access Board. The recommended \$150,000 will help provide full accessibility for this historic property by installing a vertical lift to the second floor and renovating the first floor bathroom for handicap accessibility. The total cost for this rehabilitation project is \$248,400. This award anticipates the difference will be made up through third-party grant funds or by completing the project with a phased CPA funding approach. This rehabilitation work must be carried out in compliance with the Standards for Rehabilitation stated in the United State Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68.

Recommendations: **Board of Selectmen** **Finance Committee**

I. Community Housing Program Fund

The recommended \$175,000 appropriation replenishes the existing Community Housing Program Fund for "the acquisition, creation, preservation, and support of community housing in the Town of Acton." The Fund was first established with a CPA appropriation in 2004. It is used to finance a diversity of affordable housing initiatives and opportunities as they arise, for Acton residents and their adult children, for employees who work for and in the Town, as well as for new residents from outside of Acton. This fund is retained by the ACHC for Community Housing activities and projects that are allowable under the CPA and recommended by the ACHC or any other entity subject to approval by the Board of Selectmen.

As in previous years, the ACHC proposes to largely continue current programs and initiate new programs. Recent programs and projects include:

- Providing funds to the Acton Housing Authority (AHA) for enhanced landscaping for Whittlesey Village;
- Closing costs assistance to 14 first time homebuyers of affordable units;
- The purchase or subsidy of 6 units for the Acton Housing Authority's low income rental program including 4 new construction units;
- Funding sewer betterments for affordable units in 3 developments;
- A condo buy-down and selling price subsidy for 9 units;
- Capital improvements for 4 affordable units, and
- Commitments to purchase two new units in 2014 for the Acton Housing Authority's low income rental program.

The ACHC has access to privately funded affordable housing gifts that can be leveraged or supplemented with CPA appropriations to the Community Housing Program Fund.

Recommendations: **Board of Selectmen** **Finance Committee**

J. Regional Housing Services

The Acton Community Housing Corporation (“ACHC”) and the Town of Acton requested CPA funds for the continued participation in a Regional Housing Services Program to assist with meeting the administrative, compliance and monitoring needs for the Town’s existing affordable housing units and to further regional housing goals and efforts. The Town approved Acton’s participation with a two-year CPA appropriation in 2012. The recommended \$42,000 appropriation will cover the fees for the next two-year contract with the regional program. If approved, the Town of Acton will enter into an Inter-Municipal Agreement with the other program member communities for a two-year renewable term.

The Regional Housing Services Office currently located in Sudbury will be relocating to the Town of Concord and managed by Concord’s Director of Planning and Land Management. The Office assists with affordable housing matters in the participating towns – Acton, Bedford, Concord, Lexington, Sudbury, and Weston. This innovative regional approach to managing the administration of local affordable housing programs was developed with the assistance of the Metropolitan Area Planning Council (MAPC), funded by the State’s District Local Technical Assistance (DLTA) program, and launched on July 1, 2011.

During the term of the agreement, the Regional Housing Services Office will provide core housing services to Acton totaling at least 370 hours per year with the specifics of services negotiated by the ACHC, and under its direct supervision. Such services may include, for instance, checking compliance with regulatory agreements; monitoring of affordable housing units; updating and reconciliation of local housing inventory records with those maintained by the Department of Housing and Community Development; project-review assistance; maintenance of ready-buyer lists; assistance with affordable housing lotteries and resales; and conducting homeownership training.

CPA funds can be used for the “preservation and support of community housing.” Where this funding request is for a program whose goal is to assist the local housing programs, ensure compliance with restrictive covenants and further affordable housing solutions for the region, it is preserving and supporting community housing as provided in the Act.

Recommendations: **Board of Selectmen** **Finance Committee**

K. Acton Housing Authority – Windsor Avenue Doors and Windows

The Acton Housing Authority apartment complex at Windsor Avenue is in need of new doors and windows in order to protect the affordable housing units from further deterioration due to weather and mold. The original doors and windows are 30 years old. The doors are rusting out at the bottom and some of the wood door jams are rotting. The recommended \$92,692 will fund the replacement of both front and back exterior entrance doors in all 17 buildings as well as

exterior doors to the community rooms, laundry, mail and meeting rooms, and replacement of the large bay windows in the community room.

Recommendations: **Board of Selectmen** **Finance Committee**

L. Morrison Farm Park Improvements^[k2]

The Morrison Farm Committee, on behalf of the Board of Selectmen, has requested funds to improve recreational opportunities at Morrison Farm, improve signage and access, and to preserve two of the significant historic assets adjacent to the property.

The recommended appropriation of \$416,550.00 will fund a new handicapped accessible trail system that would include walking paths along the west side of Ice House Pond from the trailhead at the lower parking lot at Concord Road to the marshy end of the property for future connection with the Bruce Freeman Rail Trail, two small boardwalk crossings over seasonably sheet flow run offs and a 680-foot boardwalk that will extend over the marshy area at the northern edge of Ice House Pond.

The appropriations would also fund a professional archaeological survey of the Robbins Homestead and the Ice House area. The work would include filing an historic inventory form with both the Massachusetts Historical Commission and Acton Historical Commission. Once site details are known, masons will be hired to refurbish and stabilize the cellar hole at Robbins Homestead and the Ice House concrete foundation will be marked with posts or other landscape elements. The refurbish and stabilization work will comply with the Standards for Rehabilitation stated in the United State Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68.

Improvements will include an upgrade of the existing parking lot at Ice House Pond to accommodate 15-20 cars. A small picnic area will be added adjacent to the parking area at Ice House Pond. The boat launch will be refurbished and continue in use. New welcome and directional signs will be installed to complete the project.

Recommendations: **Board of Selectmen** **Finance Committee**

M. West Acton Baptist Church – Fire Safety Systems

The West Acton Baptist Church is located at the corner of Massachusetts Avenue and School Street and in the West Acton Historic District. This historic building was constructed in 1854 and is listed on the Acton Historical Commission Cultural Resource List. The existing fire protection system is outdated and needs upgrading to maintain future compliance with fire inspection standards. The \$52,000.00 appropriation will help fund a complete overhaul of the existing fire and safety protection system which will include ADA compliant components. This extraordinary repair is necessary for the building to maintain its functional intended use. This is a rehabilitation project that must be carried out in compliance with the Standards for Rehabilitation stated in the United State Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68. The total estimated project cost is \$58,298.00.

Recommendations: **Board of Selectmen** **Finance Committee**

N. West Acton Baptist Church – Upper Level Steel Pressed Ceiling

One of the key character defining elements in the West Acton Baptist's historical sanctuary is the steel pressed ceiling installed in 1898. The bas-relief metal ceiling is currently rusting, resulting in peeling paint and loss of the historic detail. The recommended \$37,000 will help fund the removal of the peeling and loose paint from the ceiling, clean and repair the rusted areas and repaint the ceiling. The rehabilitation of the ceiling is an extraordinary repair that will reverse the deterioration of the ceiling and preserve the sanctuary's historic function for use as a church and meeting place. The rehabilitation project will comply with the Standards for Rehabilitation stated in the United State Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68. The total estimated cost of the project is \$42,186.

Recommendations: **Board of Selectmen** **Finance Committee**

O. Administrative and Operating Expenses

The recommended appropriation in the amount of \$61,631 is 5% of the FY 2013 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, and to pay for the Community Preservation Committee's direct expenses such as the annual membership in the Massachusetts Community Preservation Coalition.

Recommendations: **Board of Selectmen** **Finance Committee**

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